IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 28TH SEPTEMBER 2006 / 6TH ASWINA 1928

Bail Appl..No. 5710 of 2006

CRIME NO.1010/2006 OF KARUNAGAPPALLY POLICE STATION

PETITIONERS

UNNI.S, AGED 18 YEARS,
S/O.SHANKARAN KUTTY, POKATTU THAVAYIL,
KADATTUR (P.O.), THAZHAVA,
KARUNAGAPPALLY, KOLLAM DISTRICT.

RAGESH. R., AGED 19 YEARS,
S/O RAMACHANDRAN. N.,
IMPEX HOUSE, SOUTH WEST THAZHAVA (P.O),
KARUNAGAPPALLY, KOLLAM.

BY ADV. SRI.BIJU M.JOHN

RESPONDENTS:

---

1. STATE OF KERALA REP.BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
KARUNAGAPPALLY POLICE STATION.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5710/2006

DATED THIS THE 28TH DAY OF SEPTEMBER, 2006

O R D E R

The petitioners 1 and 2 are before this Court, under Section 438 Cr.P.C., as thay apprehend arrest in crime No.1010/2006 of Karunagappally Police Station for the offence punishable under Sections 283 and 353 IPC read with Section 34 IPC and also under Sections 3(1) of the P.D.P.P Act as well as 27 of the Arms Act.

2. It is alleged that while the defacto complainant and another constable were doing petrol duty on 6.9.2006 in the mid night, they found four persons at the center of the road. The defacto complainant asked the persons to clear of the road. At that time, the first accused, Nizam, took out the sword from his possession and threatened the defacto complainant. The second petitioner herein had stamped on the motor cycle and thereby caused damage to the tail lamp. Hence, at the instance of the defacto complainant, the crime had been registered against accused Nos. 1 and 2.

3. The prosecution submitted that the first petitioner, Unni, is not arrayed as accused and the second

petitioner is the second accused in the crime. The learned counsel for the petitioners made some allegations against the defacto complainant. Therefore, I had directed the learned Public Prosecutor to verify the facts regarding the said allegations.

4. After hearing both sides and considering the materials that are placed before me, I direct the second petitioner, second accused, Ragesh, to surrender before the Investigating Officer, who is investigating crime No.1010/2006 of Karunagappally Police Station, on 4.10.2006 between 9.30 a.m and 10.00 a.m.

5. The Investigating Officer shall interrogate the second petitioner, Ragesh, and thereafter, produce him before the Court below, at 4.00 p.m, on th same day itself.

6. The learned Magistrate shall allow the petitioner to be on bail, imposing such conditions, as are deemed necessary.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs